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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/750,500

12/28/2000

Marc Epstein

300/1

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27538

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09/23/2008

KAPLAN GILMAN GIBSON & DERNIER L.L.P.
900 ROUTE 9 NORTH
WOODBIDGE, NJ 07095

EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT

PAPER NUMBER

2157

MAIL DATE

DELIVERY MODE

09/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/750,500	Applicant(s) EPSTEIN ET AL.	
	Examiner HUSSEIN A. EL CHANTI	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/27/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-45, 47-56 and 58-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-45, 47-56 and 58-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to amendment received on May 27, 2008. Claims 40-45, 47-56 and 58-67 are pending examination.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 40-45, 47-56 and 58-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Erpeldinger, U.S. Patent No. 6,557,169.

As to claims 40 and 51, Erpeldinger teaches a method and apparatus for a service provider to provide services to a plurality of client computers, comprising:

providing a first set of services on a first set of one or more servers of the service provider to the plurality of client computers by providing secure access to the first set of one or more servers by the plurality of client computers, but prohibiting secure access to the plurality of client computers by the first set of one or more servers (see col. 1 lines 22-32); and

providing a second set of services on a second set of one or more servers of the service provider to the plurality of client computers by providing secure access to the plurality of client computers by the second set of one or more servers, but prohibiting secure access to the second set of one or more servers by the plurality of client computers (see col. 2 lines 65-col. 3 lines 22).

As to claims 41 and 52, Erpeldinger teaches the method and apparatus of claims 40 and 51 wherein said first set of one or more services comprise data services (see col. 1 lines 22-32).

As to claims 42 and 53, Erpeldinger teaches the method and apparatus of claims 41 and 52 wherein said second set of one or more services comprise management and configuration services (see col. 2 lines 2 lines 65-col. 3 lines 22).

As to claims 43 and 54, Erpeldinger teaches the method and apparatus of claims 41 and 52 wherein said first set of services comprises at least one service selected from the group consisting of: virus protection services, remote access, backup, software sharing, and telephony services (see col. 1 lines 22-32).

As to claims 44 and 55, Erpeldinger teaches the method and apparatus of claims 42 and 53 wherein said second set of services comprises at least one service selected from the group consisting of: security, password management, software updates, software distribution, and access control (see col. 2 lines 2 lines 65-col. 3 lines 22).

As to claims 45 and 56, Erpeldinger teaches the method and apparatus of claims 40 and 51 further comprising: preventing any said client computer network from securely accessing resources in any other said client computer network (see col. 2 lines 2 lines 65-col. 3 lines 22).

As to claims 47 and 58, Erpeldinger teaches the method and apparatus of claims 40 and 51 further comprising: preventing any said client computer from securely accessing resources in said second set of one or more servers (see col. 2 lines 2 lines 65-col. 3 lines 22).

As to claims 48 and 59, Erpeldinger teaches the method and apparatus of claims 42 and 53 further comprising: preventing said first set of one or more servers from securely accessing resources in said second set of one or more servers (see col. 2 lines 2 lines 65-col. 3 lines 22).

As to claims 49 and 60, Erpeldinger teaches the method and apparatus of claims 42 and 53 wherein said first set of one or more servers providing said data services and said second set of one or more servers providing said management and configuration services are separate (see col. 2 lines 2 lines 65-col. 3 lines 22 and col. 1 lines 22-32).

As to claims 50 and 61, Erpeldinger teaches the method and apparatus of claims 40 and 51 further comprising: connecting said first set of one or more servers to at least one of the group consisting of: the Internet, a public switched telephone network, and a data network (see col. 2 lines 55-62).

Claims 62-67 do not add any further limitation over claims 40-61 and are therefore rejected for similar reasons.

3. Applicant's arguments have been fully considered but are not persuasive. Applicant argues in substance that A) Erpeldinger does not teach a first set of services; B) Erpeldinger does not teach a second set of services; C) it is improper to combine two separate embodiments of the prior art to attempt to meet the limitations of claims 40 and 51.

In response to A), Erpeldinger teaches a system and method that includes different sets of servers. The servers include a data service, wherein the data services include services such as e-mail, software distribution and printing services (see col. 1

lines 22-32). Claim 42 of the application defines the first set of servers as “remote access or software sharing” services. Therefore the e-mail and printing services which are remote access services of Erpeldinger meets the scope of the claimed limitation “a first set of services”.

In response to B) Erpeldinger also teaches a server that provides a software distribution services where updates of software are distributed to clients (see col. 2 lines 65-col. 3 lines 22). Claims 44 of the application defines the second set of services as “software distribution software”. Therefore Erpeldinger teaches the limitations as claimed.

In response to C) claims 40 and 51 do not define any interaction or communication between the first set of services and the second set of services. In fact, the purpose of the claims is to create a distinction between two sets of servers that are independent of each other. Therefore, the claim does not necessitate that the two sets of servers be implemented in the same environment. In addition, even if the claims require the two sets of servers to be implemented in the same environment, Erpeldinger does not teach two separate embodiments in the background of the invention and the summary of the invention. The background of the invention of Erpeldinger teaches a system that comprises a plurality of clients connected to a plurality of servers where the servers provide data services including services such as e-mail, software distribution and printing services (see col. 1 lines 22-32). The summary of the invention discusses, in more detail, the software distribution service that was part of the system recited in the

background of the invention. Therefore, the two sections of the prior art do not teach distinct embodiments.

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUSSEIN A. EL CHANTI whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein Elchanti

Sep. 15, 2008

/Ario Etienne/
Supervisory Patent Examiner, Art Unit 2157